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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,635	03/29/2004	Jang Hui Cho	1740-000012/US/COA	9587
30593	7590	09/08/2006	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C.			SHIBRU, HELEN	
P.O. BOX 8910			ART UNIT	
RESTON, VA 20195			PAPER NUMBER	

2621

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/810,635

Applicant(s)

CHO ET AL.

Examiner

HELEN SHIBRU

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Okada (US PG PUB 2002/0046328).

Regarding claim 1, Okada discloses a recording medium having a data structure for managing reproduction of at least video data representing multiple reproduction paths, comprising:

a data area storing at least video data as a transport stream in more than one file, each file associated with a different one of the multiple reproduction paths, and the files being interleaved with one another (see page 2 paragraphs 0034-0037, page 8 paragraph 0175, paragraph 0193 and 0234, and figures 4, 26, and 29).

Regarding claim 2, Okada discloses wherein each file is divided into data blocks, and the files are interleaved with one another on a data block by data block basis (see figure 29).

Regarding claim 3, Okada discloses wherein each data block represents at least an intra-coded picture of video data (see figure 12 and paragraphs 0005-0009 in page 1 and paragraph 0167 in page 8).

Regarding claim 4, Okada discloses wherein each data block represents at least one group of pictures (GOP) (see figure 4).

Regarding claim 5, Okada discloses a navigation area storing navigation information, the navigation information including a map associated with each file, each map providing position data for the video data of the associated File (see figures 37 and 41-44).

Regarding claim 6, Okada discloses wherein the navigation area includes a navigation data item, the navigation data item providing navigation information for reproducing each of the files (see figures 41-44 and paragraphs 0313-0315).

Regarding claim 7, Okada discloses the navigation area includes a navigation list, the navigation list including at least the navigation data item (see figures 42-44 and paragraphs 0314-0315).

Regarding claim 8, Okada discloses the navigation data item includes a multiple reproduction path indicator indicating that the navigation data item provides navigation information for multiple reproduction paths (see paragraphs 0323-0324).

Regarding claim 9, Okada discloses the navigation data item includes a multiple reproduction path indicator indicating that the navigation data item provides navigation information for multiple reproduction paths (see paragraphs 0323-0324).

Claims 10-13 are rejected for the same reason as discussed in claims 5-8 respectively.

Regarding claim 14, Okada discloses each reproduction path represents a digital channel (see pages 1-2).

Regarding claims 15, Okada discloses each reproduction path represents a sub-channel of an RF channel (see pages 1-2).

Regarding claim 16, Okada discloses a method of recording a data structure for managing reproduction of at least video data representing multiple reproduction paths, comprising:

recording at least video data as a transport stream in more than one file on the recording medium, each File associated with a different one of the multiple reproduction paths, and the Fries being interleaved with one another (see figures 25-26).

Regarding claim 17, Okada discloses a method of reproducing a data structure for managing reproduction duration of at least video data representing multiple reproduction paths, comprising:

reproducing at least video data as a transport stream in more than one file from the recording medium, each file associated with a different one of the multiple reproduction paths, and the fries being interleaved with one another (see paragraphs 0013-0048).

Regarding claim 18, Okada discloses an apparatus for recording a data structure for managing reproduction duration at least video data representing multiple reproduction paths, comprising: a driver for driving an optical recording device to record data on the

recording medium; a controller for controlling the driver to record at least video data as a transport stream in more than one File on the recording medium, each file associated with a different one of the multiple reproduction paths, and the Files associated with a different one of the multiple reproduction paths, and the Fries being interleaved with one another (see figure 12 and rejection of claim 1).

Claim 19 is rejected for the same reason as discussed in claim 18 above.

***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

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- TTG  
9/5/06
- 1-15  
4. Claims ~~1-16~~ are rejected under 35 U.S.C. 101 because the claims are directed to a recording medium storing nonfunctional descriptive material.

Data structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are neither physical “things” nor statutory processes. See, e.g. Warmerdam, 33 F. 3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory) and merely claiming nonfunctional descriptive material stored in a computer-readable medium does not make it statutory. In addition a mere arrangements or compilations of facts or data, are merely stored so as to be read or outputted by a computer without creating any functional interrelationship either as part of the stored data or as part of the computing processes performed by the computer then such descriptive material alone does not impart functionality either to the data as so structured, or to the computer, and therefore are not statutory. See MPEP 2106.IV.B.1.

### ***Double Patenting***

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. Claims 1-4, 14-19 provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-4, 14-19 of copending Application No. 10/810823. Although the conflicting claims are not identical, they are not patentably distinct from each other because of the reasons sets forth below.

The copending Application claim 1 recites a recording medium having a data structure for managing reproduction of at least video data representing multiple reproduction paths, comprising:

a data area storing at least video data as a transport stream in more than one file, each file associated with a different one of the multiple reproduction paths, and the files being interleaved with one another; and

a navigation area storing a first navigation unit, the first navigation unit including one or more second navigation units and controlling a reproduction order of the second navigation units, at least one second navigation unit referencing more than one third navigation unit, each third navigation unit indicating a separate file of video data in the data area to reproduce.

Therefore claim 1 of the present Application is broader than the copending Application 10/810823 and; therefore, obviousness-type double patenting is applied.

The subject matter of claims 2-4, 15-19 can be found in the copending application claims 2-4, 15-19 respectively.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

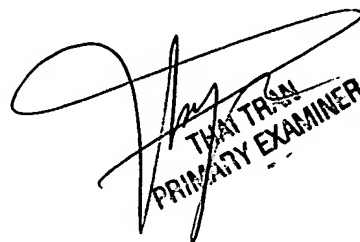
*Conclusion*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571) 272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Helen Shibru  
August 31, 2006



THAI TRAN  
PRIMARY EXAMINER